

5/23/18

Daniel Tomlinson
DANIEL TOMLINSON
CERTIFIED TRANSLATOR
ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

Commonwealth of Puerto Rico
Trial Court
San Juan Judicial Center
San Juan Court

<p>PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, represented by the Honorable Secretary of Transportation and Public Works</p> <p>PETITIONER</p> <p>v.</p> <p>Acquisition of 1,592.15 square meters, equivalent to 0.4051 cuerdas, located on Juan B. Rodriguez and Sergio Cuevas Bustamante Triana Streets, Eleanor Roosevelt Development, Hato Rey Neighborhood, San Juan, P.R.</p> <p>and</p> <p>LAS MONJAS REALTY II, SE John Doe and Jane Doe</p> <p>INTERESTED PARTY</p>	<p>CIVIL NO.: 2016-0083</p> <p>Courtroom 1003</p> <p>IN RE:</p> <p>CONDEMNATION</p>
--	--

**Commonwealth of Puerto Rico
Trial Court
San Juan Judicial Center
San Juan Court**

PETITION

BEFORE THE HONORABLE COURT:

COMES NOW the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY represented by its Honorable Secretary of the Department of Transportation and Public Works and through its undersigned attorneys respectfully States and Prays:

1. This condemnation proceeding is instituted by the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY represented by its Honorable Secretary of the Department of Transportation and Public Works, under the authority and in harmony with the provisions of Act Number 422 of May 14, 1950, Act No. 74 of June 23, 1965, as amended by Act Number 112 of June 21, 1968 and Act Number 1 of March 6, 1991, the General Condemnation Act of March 12, 1903, as amended, Reorganization Plan Number 6 of 1971, Rule 58.1 of the Rules of Civil Procedure, any other supplementary and/or amending laws.

2. The PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY is interested in acquiring the property that is described in Exhibit "A" that is incorporated and made part of this petition for **Project ACT-001834, Improvements to PR-22 and PR-18, San Juan, PR**; the acquisition of the property that is the subject of this action constitutes a public need.

3. The interest that the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY is proposing to acquire that is the subject of this proceeding is one of fee simple.

4. The acquisition of the properties that are the subject of this action do not require the approval of the Puerto Rico Planning Board, according to Resolution Number JPE-2 of September 16, 1966 and amendments thereto.

5. The fair and reasonable compensation that the Highways and Transportation Authority deems should be paid for the acquisition of the property that is the subject of this proceeding is the amount of **ONE MILLION TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$1,274,000.00)**, which the petitioner has deposited with the Clerk of this Honorable Court upon filing this petition for it to be disbursed between the persons and/or entities that are entitled to it in the proportion that this Honorable Court decides is proper.

6. The property that is the subject of this proceeding appears demarcated on a map drawn by the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, which is attached to the Statement as Exhibit "B."

7. The property that is the subject of this action is described in Exhibit "A" in which the fair and reasonable amount that should be paid for it is also indicated and designating the personas and/or entities who, according to the information and belief of the petitioner, are entitled to the compensation

that is on deposit, as owners or possible claimants of some interest in the property, Exhibit "A" of which is incorporated in this petition.

IN MERIT WHEREOF, the petitioner requests this Honorable Court to Grant this Petition and order and decree that:

a. From the date of the filing by the Petitioner of the Statement for the Acquisition and Material Delivery of the Property and of the depositing of the money that it deems fair compensation for the properties that are the subject of this action, the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY has been invested with clear title in fee simple to the property described in Exhibit "A" that is attached and made part of this Petition, with all of its fields, improvements, uses, accessories, structures, easements and belongings, including all rights, title or interest that the interested parties and/or entities may have in the property to be used for the designated public use.

b. The interested parties, their representatives, agents, employees, heirs or successors who have ownership of said property or are in charge of or handling it, deliver and transfer to the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY by the mediation of and through the Honorable Secretary of the Department of Transportation and Public Works or its authorized representatives within the term that this Honorable Court deems proper to set from when notice is provided with a copy of the Resolution that this Court enters in these cases to that effect.

c. Determine and set the amount that should be paid by the petitioner herein and the persons entitled to receive it, as well as its distribution between them.

d. Have the Commonwealth of Puerto Rico reserve and deliver to the Department of the Treasury any amount that may be owed for taxes.

e. Order the corresponding Property Registrar to record in favor of the PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY the title to said property in fee simple.

f. Include any of the other procedures and orders that it deems necessary or adequate and that are legally proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, November 30, 2016.

[Sgd.] **Juan C. Carlos Ortiz Arocho – 15,352**
122 Domenech Avenue, Suite 1
San Juan, PR 00918
Tel. (787) 282-8120 / Fax (787) 282-8119
juankortiz@aol.com

[Sgd.] **Atty. Eric Y. Reyes Colon – 13,573**
122 Domenech Avenue, Suite 1
San Juan, PR 00918
Tel. (787) 282-8120 / Fax (787) 282-8119
ereyes@integratedcla.com

**Commonwealth of Puerto Rico
Trial Court
San Juan Judicial Center
San Juan Court**

EXHIBIT "A"

Report of the description of the properties to be condemned, the fair compensation to be deposited and the personas and/or entities with an interest in this proceeding.

For the purposes and objectives of public use, the Puerto Rico Highways and Transportation Authority is interested in acquiring title in fee simple to the following property:

Parcel 02-001

CODE NO.: 062-059-827-09-000 (Part)

Parcela de terreno radicado en el Barrio Hato Rey del término municipal de San Juan, Puerto Rico, con una cabida superficial de 1,592.15 metros cuadrados, equivalente a 0.4051 cuerdas. En lindes por el Norte con terrenos del Estado Libre Asociado de Puerto Rico; por el Sur con la Parcela 01-001, a ser adquirida; por el Este con la finca principal de la cual se segregá, y por el Oeste con la Autopista Luis A. Ferre.

[A parcel of land located in Hato Rey Neighborhood of the municipal district of San Juan, Puerto Rico, with a surface area of 1,592.15 square meters, equivalent to 0.4051 cuerdas. Bounded on the North by land belonging to the Commonwealth of Puerto Rico; on the South by Parcel 01-001, to be acquired; on the East by the main property from which it is subdivided and, on the West by Luis A. Ferre Highway.]

The parcel described above is subdivided from Property Number 19262, Volume 679, Page 151 overleaf, of Rio Piedras North, San Juan Property Registry, Rio Piedras Section.

I. INTERESTED PARTIES OR ENTITIES	COMPENSATION
Off-Record Owner	\$1,274,000.00
Las Monjas Realty II, SE <i>(By virtue of deed number 5 of December 27, 2000 before Notary Rafael Guillermety Matienzo)</i>	[Rubber stamp filled in by hand]
Recorded Owner - Rose Land II, SE	
Both represented by: Atty. Ricardo Aponte – Parsi	COLLECTED _____ \$ 1,274,000.00 RECEIPT _____ 4184 DATE _____ 7 - dec - 16 SIGNATURE _____[Sgd.]
Mailing Address:	
PO Box 195630 San Juan, Puerto Rico 00919-5630	
Physical Address:	
Ave. Chardon Chardon Building, Fourth Floor Hato Rey, PR Telephones: (787) 620-2233 (787) 474-7423 (787) 777-0610	

II. Liens and Encumbrances:

Said property is subject to the following encumbrances:

1. Encumbered by easements in favor of the Puerto Rico Sewer Authority and the Puerto Rico Water Resources Authority. **First (1st) Entry.**
2. Encumbered by a permanent easement on this property in favor of the Government of the Capital City for the placement and use of pipes along the following stretch of land: Strip of land 3.00 meters wide whose central line starts from a point on the North boundary of the project of the Parque Central Development at a direction of approximately 28 degrees South; 30 degrees West and an approximate distance of 47 meters until it intercepts the front line of the sidewalk of the North side of street number five (5). This easement is created for storm drain without compensation under the following clauses and conditions. This easement also includes the restriction that neither the owner nor subsequent acquirers of that property or of the lots into which it may be divided, their successors or assignees, can build or construct on the strip of land along which this easement runs. This easement also entails the obligation by the owner, her successors or heirs, to maintain said strip of land at all times free of obstacles that may obstruct the repair and maintenance of the pipes. It likewise entails the right of way and right to perform work on the facilities for any length necessary for locating, repairing, maintaining or operating the conduits that pertain to it. **Second (2nd) Entry.**
3. The Commonwealth of Puerto Rico for property tax that may be owed.
4. John Doe and Richard Roe, fictitious names that are used to designate any unknown person and/or entities with a possible interest in this action.

PURPOSE OF THE CONDEMNATION

**Project ACT-001834, Improvements to PR-22 and PR-18,
San Juan, PR**